

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YOUNAS HAJI,

Plaintiff,

v.

THE UNITED STATES OF AMERICA, THE
CITY OF NEW YORK, DRUG
ENFORCEMENT AGENCY SPECIAL
AGENTS ROBERT BARRETT, KATE
BARNARD, PAUL BUCHANAN, AND
UNKNOWN EMPLOYEES OF THE
UNITED STATES, NEW YORK STATE,
AND NEW YORK CITY,

Defendants.

ECF Case

No. 08 Civ. 2230 (TPG)(JCF)

**DECLARATION OF
CAROLINA A. FORNOS**

I, Carolina A. Fornos, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an Assistant United States Attorney in the Office of the United States Attorney for the Southern District of New York. I make this declaration in support of the motion to dismiss the above-captioned Complaint, or in the alternative, for summary judgment, filed by defendants the United States of America, and Drug Enforcement Administration Special Agents Robert Barrett, Kate Barnard, and Paul Buchanan.
2. Attached as Exhibit A is a true and correct copy of the *Nolle Prosequi* filed in *United States v. Haji*, 06 Cr. 600 (DLC), on January 8, 2007, and so ordered by the Honorable Judge Denice Cote, District Judge, Southern District of New York, on January 16, 2008.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
July 31, 2008

/s/ Carolina A. Fornos
CAROLINA A. FORNOS
Assistant United States Attorney

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

-v- :

YOUNAS HAJI, :

Defendant. :

----- x

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1-17-07

NOLLE PROSEQUI


06 Cr. 600 (DLC)
S1 06 Cr. 600 (DLC)

1. The filing of this nolle prosequi will dispose of the above-referenced cases with respect to defendant Younas Haji.

2. On July 19, 2006, Indictment 06 Cr. 600 (DLC) was filed, charging defendant Younas Haji with conspiracy to distribute khat, in violation of Title 21, United States Code, Section 846. On July 26, 2006, Superseding Indictment S1 06 Cr. 600 (DLC) was filed, again charging defendant Younas Haji with conspiracy to distribute khat, in violation of Title 21, United States Code, Section 846.

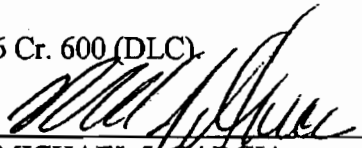
3. Based on a review of the evidence in the case and information pertaining to this defendant acquired subsequent to the filing of the Indictment, it has been concluded that further prosecution of Younas Haji would not be in the interests of justice.

4. In light of the foregoing, we recommend that an order of nolle prosequi be filed as to defendant Younas Haji with respect to Indictment 06 Cr. 600 (DLC) and Superseding Indictment S1 06 Cr. 600 (DLC).


Daniel L. Stein/Anjan Sahni
Assistant United States Attorneys
Telephone Number: (212) 637-2407/2491

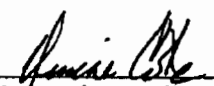
Dated: New York, New York
January 8, 2007

Upon the foregoing recommendation, I hereby direct, with leave of the Court, that an order of nolle prosequi be filed as to defendant Younas Haji with respect to Indictment 06 Cr. 600 (DLC) and Superseding Indictment S1 06 Cr. 600 (DLC).


MICHAEL J. GARCIA
United States Attorney
Southern District of New York

Dated: New York, New York
January 4, 2007

SO ORDERED:


Honorable Denise L. Cote
United States District Judge
Southern District of New York

Dated: New York, New York
January 16, 2007